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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,001	09/18/2006	Pasi Haikola	042933/315603	3072
826 7590 01/26/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER CHUGHTAI, SARWAT				
ART UNIT 4133		PAPER NUMBER		
MAIL DATE 01/26/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,001

Applicant(s)

HAIKOLA ET AL.

Examiner

SARWAT CHUGHTAI

Art Unit

4133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date 9/18/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Applicants' communication filed on DATE September 18, 2006. In virtue of this communication, claims 1-14 are currently presented in the instant application.

Priority

2. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on September 18, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Humphreys et al. (U.S. 5825874) and Yang (GB 2261 571 A) and Peiker (U.S. 6603959 B1).

Regarding claim 1, Humphreys et al. teaches, Holding device for a mobile telephone ("mobile telephone holder having a frame", Abstract), said holding device comprising a holding surface (Figure 1A, Element 128) , and a pressing unit (Figure 1A, Element 114a) in which the pressing unit comprises an elastic pressing element which is suitable to exert (Figure 2, Element 210a-210b), on a foot area of the mobile telephone (Figure 1B, Element 114a; whereas this element along with the spring inside is located on the bottom surface of the holder), a holding force (F_{hold}) parallel to the longitudinal axis of the mobile telephone (Figure 5A, Element 300) and a foot-holding bracket are furthermore provided to secure the mobile telephone on the holding surface (Figure 1A, Element 112a) against a force in the transverse direction (Figure 1A, Element 128),

where the holding device is made of multiple parts and comprises an annular holder (Figure 1B, Element 104) which comprises at least the head-holding bracket , and where the annular holder is formed, in a plan view, essentially in the form of a frame (Figure 2, Element 100).

Humphreys explicitly fails to teach, a head-holding bracket.

However, Yang teaches, head-holding bracket (Figure 1, Element 153' and "fastened in the rack", Page 3, Lines 16-17 whereas there is a curved top on the top of the holder that used to tightly hold the mobile phone). It would have been obvious at the time the invention was made to an ordinary skill in the art to combine the holding device for mobile telephone of Humphreys et al. with fastened piece of the rack taught by Yang because they would provide mobile telephone holding device with a head holding bracket.

Regarding claim 2, Humphreys et al. teaches, the annular holder has, in a side view, an essentially U-shaped or V-shaped form (Figure 1B, Element 104).

Regarding claim 3, Humphreys et al. teaches, the annular holder comprises the foot-holding bracket ("form a seat with a receiving area for holding a portion of the a portable telephone", Column 3, Line 67 -4, Line 1 and Figure 1B, Element 100) .

Regarding claim 4, Humphreys et al. teaches, the holding device is composed of individual components, where the components comprise a main tray with a receptacle for a coupling unit and a coupling holder and with a receptacle for a foot tray (Figure 1A- Figure 1B), the pressing unit (Figure 1B, Elements 114a-114b), and the annular holder (Figure 1B, Element 100).

Regarding claim 5, Humphreys et al. teaches, the pressing unit can be displaced against a restoring force if a displacing force is exerted on the pressing unit for the insertion of the mobile telephone at an acute angle (α) (Figure 5A-5B), where the angle (α) is defined by the holding surface and the longitudinal axis of the mobile telephone and where the restoring force results from the displacement of the pressing element of the pressing (Figure 1B, Elements 114a-114b).

Regarding claim 6, Humphreys et al. teaches, which the pressing unit can be displaced by a predetermined displacement (ΔY_2) by the mobile telephone guided at an acute angle (α) so that the mobile telephone can, by a pivoting motion, be pivoted into the holding device (Figure 5A-5B),.

Regarding claim 7, Humphreys et al. teaches, the pressing unit, due to the pressing element having no force acting on it, is in a neutral position (Y_0) so that the pressing unit where the displacement of the pressing unit by the predetermined

difference in length (ΔY_3) has as a consequence the holding force (F_{hold}) (Figure 1A, Element 114a and Figure 2, Element 210a-210b).

Humphreys et al. explicitly fails to teach, the head- holding bracket are spaced from one another by a predetermined length (Y_H) which corresponds to the extension of the mobile telephone in the longitudinal direction less a predetermined difference in length (ΔY_3).

However, Yang teaches, the head- holding bracket are spaced from one another by a predetermined length (Y_H) which corresponds to the extension of the mobile telephone in the longitudinal direction less a predetermined difference in length (ΔY_3) (Figure 1, Element 153' and "fastened in the rack", Page 3, Lines 16-17 whereas there is a curved top on the top of the holder that used to tightly hold the mobile phone and is opposite the pressing unit). It would have been obvious at the time the invention was made to an ordinary skill in the art to combine the holding device for mobile telephone of Humphreys et al. with taught by Yang because they would provide mobile telephone holding device with a head holding bracket that is spaced from one another from its pressing unit.

Regarding claim 8, Humphreys et al. explicitly fails to teach, the head- holding bracket has a level (ΔY_1) which is defined parallel with respect to the holding surface, where the level (ΔY_1) is less than the predetermined displacement (ΔY_2).

However, Yang teaches, the head- holding bracket has a level (ΔY_1) which is defined parallel with respect to the holding surface, where the level (ΔY_1) is less than the predetermined displacement (ΔY_2) (Figure 3, Element 1 and Figure 3 Element 153; whereas the head- holding bracket is parallel with the holding device). It would have been obvious at the time the invention was made to an ordinary skill in the art to combine the holding device for mobile telephone of Humphreys et al. with head- holding piece of the rack taught by Yang because they would provide mobile telephone holding device with a head holding bracket that is parallel to its holding rack.

Regarding claim 9, Humphreys et al. teaches, the pressing element is adapted, in case of an impact which can be transmitted from the holding device to the inserted mobile telephone(Figure 3A), to react elastically by the pressing unit being displaced by the mobile telephone as a consequence of the action of a force resulting from the impact so that the impact on the mobile telephone is dampened (Figure 3A, Element 106a-106b and 124a-124b).

Regarding claim 10, Humphreys et al. teaches, the pressing unit comprises a contact unit which is suitable to couple with a corresponding contact unit of the mobile telephone (Figure 5A-5B).

Regarding claim 11, Humphreys et al. teaches, the pressing unit comprises a flexible circuit board conductor which is connected to the contact unit (Figure 5A-5B)..

Regarding claim 12, Humphreys et al. teaches, the elastic pressing element has essentially the elastic properties of a spring (Figure 2, Elements 210a-210b).

Regarding claim 13, Humphreys et al. teaches, the holding device is configured in such a manner that gripping surfaces of the mobile telephone are disposed on the side and remain freely accessible (Figure 1B).

Regarding claim 14, Humphreys et al. teaches, holding device ("mobile telephone holder having a frame", Abstract).

Humphreys et al. explicitly fails to teach, a coupling unit which is adapted for a capacitive and/or inductive coupling of high-frequency signals with an antenna of the mobile telephone.

However, Peiker teaches, the holding device comprises a coupling unit which is adapted for a capacitive and/or inductive coupling of high-frequency signals with an antenna of the mobile telephone("the tab 13 engages in a recess 31 in the head region 27 of the radio telephone....", Column 3, Lines 44-48). It would have been obvious at

the time the invention was made to an ordinary skill in the art to combine the holding device for mobile telephone of Humphreys et al. with radio telephone taught by Peiker because they would provide mobile holding device with coupling unit that is adapted of coupling high frequency signals.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Sarwat Chughtai, whose telephone number is 571-270-7272. The examiner can normally be reached on Monday to Thursday 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-4100. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application maybe obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published application may be obtained from either Private PAIR or Pubic PAIR. Status information for unpublished application is available application through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/

Examiner, Art Unit 4133

/ABUL AZAD/

Supervisory Patent Examiner, Art Unit 4133